

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
EXECUTIVE SESSION MINUTES
APRIL 5, 2011
6:30 PM**

Flag Salute, Silent Prayer

Sunshine Law: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time and place of this regular meeting in the annual schedule and notice of regular meetings of this Governing Body. Such annual schedule and notice of regular meetings is posted at Borough Hall, was sent to *The Record* and the *Press Journal*, posted on the Borough website and filed with the Borough of Dumont.

Roll Call:

Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-present
Mayor McHale-present

Motion to accept agenda as presented: Councilman Stylianou

Second: Councilman Freeman

All in favor.

Motion to open to the public: Councilman Manna

Second: Councilman Freeman

All in favor.

1. Irwin Buchheister, 39 Cedar Road, requested that Resolution #11-99, establishing regulations for operation of the refreshment stand at Memorial Park, which was adopted at the March 15, 2011 meeting, be put off for further discussion. Most of the items are in conflict with Title 40 of the State Statute. He read sections of 40:12 of the statute and Memorial Park Refreshment Stand Regulations. He stated that the Board of Recreation is autonomous and the Council has no authority to place regulations on things over which they have no control.

2. Janet Galligan, 68 Hunting Road, said that someone had complained recently that the floor in the Hut had been left dirty; she had pictures she had taken in October after Little League was finished using the Hut which showed that it was clean. Also, when she asked if she could have kids work the Hut, she was told no. At the present time mothers who don't want to work the Hut are having kids work and paying them. She thinks the cash register is a good idea. She complained that Councilman Freeman has never talked to any of them and yet said that all the money should all come to the town and the Council should have control over it.
3. Councilman Freeman replied that Recreation has had a faulty audit three years in a row.
4. Councilman Stylianou said that when Councilman Freeman had suggested that money generated from the Hut be used to offset the line item in the budget, it was opposed by members of the Council.
5. Chairman Rich Correa, 240 Larch Avenue, stated that he is proud of the Commissioners. They try to raise money for programs; they try to help people

- who can't afford to pay. The Commission does not work for the Council; it works with the Council. They try to run the Hut legally. They have no problem with the Little League running it.
6. Janet Galligan, 68 Hunting Avenue, stated that Little League has the fields from April to September. They make about \$20,000. If you put it on the line item under Recreation where it belongs, all the sports programs can benefit. It is now a business.
 7. Councilman Carrick asked why this wasn't done before and that nobody had asked Little League to stop running the Hut. They did not want to follow the guidelines that were set. The Little League could receive 50% of the proceeds if they operate it. The Councilman took over ordering food, etc. when Ms. Galligan stepped down.
 8. Mayor McHale requested that Borough Attorney Paster clarify the statute.
 9. Mr. Paster stated that according to statute the ultimate responsibility and jurisdiction over the money is the Recreation Commission. Section 3 of the Recreation statute clearly states that "all monies received by the Board shall be paid over to the municipal treasurer and by him kept in a special fund which shall be under the control of the Board and used only for the purpose of defraying the expenses of improving, maintaining or policing the playgrounds of Recreation places and for the other expenses of the Board". The attorney does not feel the issues are of a legal nature. In his opinion they should sit down and come to an agreement.
 10. Councilman Carrick stated the money is in a separate account-not in a Ladies' Auxiliary account-which Janet was gracious enough to have for years.
 11. Mayor McHale said that everyone has the right intentions; everyone is here for the kids and the town. However, there are certain rules which we have to operate with; whether it be statutes, auditing guidelines or policies that have been established by the Governing Body or the Recreation Commission. At this point, rules and policies have been implemented, there is a cash register, and there is money in a dedicated account. The law is specific as to how the money should be distributed and by whom. Compromise is necessary.
 12. Councilman Carrick asked Mr. Correa and Ms. Totten if they would be happy with 50%.
 13. Mr. Correa wanted the Council to understand that all sports don't have equal monetary needs. He said that one of the options the Commission was considering was exactly what is being done now. At the March Recreation meeting, Councilman Carrick gave the Commission a paper stating what the Council wanted. He asked the Councilman if the Council would be against giving the Hut back to Little League to which he responded yes. It is in the Recreation minutes.
 14. Mayor McHale's response to Councilman Stylianou's question as to where the disagreement lies between the Recreation Commission and Councilman Carrick was that it really is an issue between Recreation and Little League at this point. Something needs to be worked out in Recreation with the various recipients with input from the Council. The Council has to recognize that the Recreation Commission is the sole authority.

15. Councilman Freeman stated that Ms. Galligan and Mr. Correa should check with him before misinformation about him is spread. He never suggested money should be taken away from Recreation.

When asked about the adopted resolution, Mayor McHale responded that everything was implemented. #6 however, states that the Governing Body determines distribution.

16. Mr. Correa asked who would know better than the Recreation Commission what sport needs what?
17. Ms. Galligan stated that nobody takes into consideration that the Hut gets free lighting, water, gas and electric for five months of the year.
18. Councilman Carrick said that if Little League runs it July, August and September they are willing to pay those bills if they made a certain amount.

Mayor McHale recommended that the Council Recreation Committee and he meet with the Commissioners to work everything out.

Motion to close public portion: Councilman Freeman

Second: Councilman Manna

All in favor.

RESOLUTION

#11-100 Elks Lodge #2593 Club, Inc. Pull Tab Raffle Renewal March 16, 2011 through March 15, 2012; ID#109-6-33628, RL#337

The Elks Club had been waiting for their certificate to be renewed by Legalized Games of Chance. Therefore, it could not be put on the March 15th agenda.

Motion to adopt: Councilwoman Zamechansky

Second: Councilman Freeman

Roll call vote: Council members Carrick, Freeman, Manna, Stylianou, Zamechansky-yes
Councilman Caspare-abstained.

Motion carried.

Motion to recess: Councilwoman Zamechansky

Second: Councilman Freeman

All in favor.

Motion to go back into session: Councilman Manna

Second: Councilman Freeman

All in favor.

James Anzevino, Borough of Dumont Tax Assessor, explained the difference between Revaluation and Reassessment. This year there has been an increase in tax appeals- there have been approximately 146 appeals. The last revaluation was in 2004. At that time every property was evaluated; the goal was to enter each home-there was about 91-92% success. It is a longer and more expensive process than reassessment. The Borough has to contract with a company, tax maps must be updated and then sent to Trenton for approval. Reassessment is run by the Assessor, is less expensive and takes a shorter amount of time. Mr. Anzevino suggested reassessment and to go out for bid with other towns. He passed out literature regarding sales and assessments in town and explained assessments and appeals. Reassessment provides a way to defend tax appeals starting in 2012.

Administrator's Report

Mr. Perkins stated that all bills associated with the gasoline leak at Grant Avenue and Washington Avenue will be submitted to Cumberland Farms, the owner of the gas

station. The sewer lines along Washington Avenue to Wilkens down to Depew were relined.

Mr. Perkins suggested looking into having Borough documents scanned and put in digital form.

- Councilman Stylianou

There will be a dedication at Van Saun Park for Debbie Shanley on Sunday.

- Councilman Manna

After the introduction of the Police Promotion ordinance, the Councilman reached out to the Borough's insurers-JIF and MEL-and found that if there is a suit against the Borough citing promotions only, the Borough will not be covered by JIF or MEL. If it included extenuating circumstances, the Borough would be partially covered.

- Councilman Freeman

There will be a Finance Committee meeting on Thursday.

- Councilman Carrick

Recreation

The Councilman had asked Mr. Perkins for batting cages at Memorial Park and a cash register for the Hut, which the administrator found money for and provided.

Shade Tree

Arbor Day is scheduled for April 30th.

The Environmental Commission and Shade Tree Commission each got an area to use at the West Shore area.

MAYOR'S REPORT

Mayor McHale stated that he needs to appoint an investigation committee with Council consent. This committee would compel the three former officials-former mayor (Winant), former councilman (Licamelli) and former administrator (Eckel), who chose not to participate in the depositions regarding DPW environmental remediation investigation. If they fail to appear before the Council Committee, the next step would be to go to Superior Court. Council members Carrick, Stylianou and Zamechansky offered to serve on the committee.

Resolution 11-101-Establishment of Ad-hoc Committee (Council members Carrick, Stylianou, Zamechansky) for DPW Environmental Remediation Investigation

Motion: Councilman Carrick

Second: Councilman Stylianou

Roll call vote: Council members Carrick, Caspare, Freeman, Manna, Stylianou, Zamechansky-yes

Motion carried.

Motion to adjourn: Councilman Carrick

Second: Councilman Caspare

All in favor.

Meeting adjourned at 8:25PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Borough Clerk